

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION)	MDL 2804
OPIATE LITIGATION)	
)	Case No. 1:17-md-2804
THIS DOCUMENT RELATES TO:)	
)	Judge Dan Aaron Polster
<i>All Cases</i>)	
)	<u>ORDER REGARDING REMNANT</u>
)	<u>DEFENDANTS</u>

On July 2, 2024, at the request of this Court and the urging of Defendants, the PEC issued a “Remnant Defendants” Letter to all plaintiffs’ counsel in the MDL.¹ The purpose of the letter was to encourage all MDL plaintiffs to streamline their complaints and dismiss all defendants except those the plaintiff truly intends to vigorously pursue. The Letter asked counsel for each plaintiff, by July 31, 2024, to either: (1) dismiss the plaintiff’s claims against these Remnant Defendants, or (2) provide a written declaration explaining why they intend to pursue litigation against those Defendants and promising to commit the time and resources to do so. The vast majority of plaintiffs’ counsel responded to the Letter, and many plaintiffs did dismiss certain Remnant Defendants. However, a small number of plaintiffs failed to respond.

Attached to this Order, as Exhibit 2, is a list of all the cases where the plaintiff named a Remnant Defendant but has not yet responded to the PEC’s letter.

¹ “Remnant Defendant” was defined as “entities that, for strategic, legal, or financial reasons, the PEC is not targeting. These include individual doctors, independent pharmacies, small health clinics, and other minor entities.” Letter at 1 (Ex. 1).

Accordingly, the Court now **ORDERS** all MDL plaintiffs whose cases are listed in Exhibit 2 to respond to the PEC's July 2 Remnant Defendants Letter by **12:00 PM on Tuesday, November 26, 2024**, or the Court will dismiss those cases in their entirety *with prejudice* for failure to prosecute.

IT IS SO ORDERED.

/s/ Dan Aaron Polster November 14, 2024
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE